UNITED NATIONS

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General Assembly Security Council

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GENERAL

A/45/165
S/21189
14 March 1990

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GENERAL ASSEMBLY
Forty-fifth session
Items 72, 143 and 146 of
the preliminary list*
IMPLEMENTATION OF THE DECLARATION
ON THE PREPARATION OF
SOCIETIES FOR LIFE IN PEACE
UNITED NATIONS DECADE OF
INTERNATIONAL LAW
REPORT OF THE UNITED NATIONS
COMMISSION ON INTERNATIONAL
TRADE LAW ON THE WORK OF
ITS TWENTY-THIRD SESSION

SECURITY COUNCIL
Forty-fifth year

Letter dated 12 March 1990 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a message from H.E. Mr. Abdul Wakil, Minister of Foreign Affairs of the Republic of Afghanistan, addressed to Your Excellency.

I have further the honour to request that the message be circulated as an official document of the General Assembly, under items 72, 143 and 146 of the preliminary list, and of the Security Council.

(Signed) Noor Ahmad NOOR
Ambassador
Permanent Representative

* A/45/50.

ANNEX

Message dated 8 March 1990 from the Minister of Foreign Affairs of Afghanistan addressed to the Secretary-General

The Government of Pakistan, violating all its commitments and trampling underfoot all moral and political norms, has recently committed yet another monstrous crime in our country, by plotting and staging an abortive but bloody coup through its agent, Shanawas Tanai, and in collusion with Gulbuddin Hekmatyar. The Pakistani Government's participation and leading role in this connection is fully evident. The Government of the Republic of Afghanistan is in possession of undeniable documents and other evidences which prove this fact. After realizing that their plot had failed, the criminals flew to Pakistan in an aircraft belonging to the armed forces of the Republic of Afghanistan, carrying to the country a significant sum of State-owned money. We have solid information indicating that in case of failure the question of their eventual acceptance by the Government of Pakistan had been agreed upon in advance between the plotters and Pakistani authorities.

I would like to draw Your Excellency's attention to the fact that this criminal Pakistani conspiracy is carried out in our country at a time when real possibilities and favourable conditions for achieving a political solution for the problems relating to Afghanistan have emerged and hopes for bringing peace and tranquillity to our country is on the rise. This attempt by the Government of Pakistan is, in fact, the employment of its last military resource in our country, which ended in ignominious defeat, meeting the deep hatred and indignation of our people. As a result of this failed coup, our country suffered great human and material losses.

The Government of the Republic of Afghanistan considers this bloody attempt a blatant interference in our internal affairs and aggression against our country carried out in continuation of Pakistan's persistent policy of violating the Geneva Agreements and sabotaging the restoration of peace in our country. The Government of Afghanistan considers it to be its absolute right to demand from the Government of Pakistan, on the basis of accepted norms of international law, the return of the criminals to Afghanistan to face trial as well as of the State-owned money and property which they have taken with them.

The Government of the Republic of Afghanistan considers the Pakistani criminal plot to be in total contradiction to your efforts to seek a political solution for the problems of Afghanistan. We hope that Your Excellency, as a friend of the people of Afghanistan and a patron of peace in our country, would, on the basis of your mandate under the Geneva Agreements and the resolution of the General Assembly at its forty-fourth session, impress on the Government of Pakistan to immediately and categorically stop interference in our internal affairs and aggression against our country as well as to end sabotaging the achievement of accord among the Afghans.

We would like to assure you that with the repulsion of criminal Shahnawas Tanai the path to reconciliation and political solution has been further paved. The presence of this individual in the post of minister of defence and his collusion with extremist Gulbuddin constituted a significant obstacle to the achievement of political accord. The process of ensuring peace and democracy in Afghanistan is irreversible and the Government of the Republic of Afghanistan is determined to intensify its efforts towards the achievement of a political solution on the basis of national reconciliation, which enjoys the full support of the people of Afghanistan.

UNITED
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General Assembly Security Council

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15 March 1990

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GENERAL ASSEMBLY
Forty-fifth session
Items 29, 71 and 144 of the
preliminary list*
THE SITUATION IN AFGHANISTAN AND ITS
IMPLICATIONS FOR INTERNATIONAL
PEACE AND SECURITY
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY
PEACEFUL SETTLEMENT OF DISPUTES
BETWEEN STATES

SECURITY COUNCIL
Forty-fifth year

Letter dated 12 March 1990 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General

Corrigendum

1. The mast-head should read as above.

2. Page 1

The last paragraph should read:

I have further the honour to request that the message be circulated as an official document of the General Assembly, under items 29, 71 and 144 of the preliminary list, and of the Security Council.

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UNITED
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General Assembly Security Council

Distr.
GENERAL

A/45/166
S/21192
14 March 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Items 23 and 35 of the preliminary list*
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-fifth year

Letter dated 13 March 1990 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the Final Communiqué of the Ministerial Meeting of the Committee of Nine on Palestine of the Movement of Non-Aligned Countries, held on 11 March 1990 at Tunis.

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under items 23 and 35 of the preliminary list, and of the Security Council.

(Signed) Dragoslav PEJIĆ
Ambassador

* A/45/50.

ANNEX

Final Communiqué of the Ministerial Meeting of the Committee of Nine on Palestine of the Movement of Non-Aligned Countries held at Tunis on 11 March 1990

1. The Non-Aligned Movement's Committee of Nine on Palestine met at the ministerial level at Tunis, on 11 March 1990, to review the latest developments in the Middle East, in particular the intifadah of the Palestinian people and the settlement of Jewish emigrants from the Soviet Union in the occupied territories, as well as the forthcoming activities in the United Nations concerning the Middle East crisis and the endeavours to establish peace through the international peace conference on the Middle East, including efforts to establish a Palestinian-Israeli dialogue.

2. The meeting was attended by Ministers of Foreign Affairs of Algeria, Cuba, India, Senegal and Yugoslavia, the Minister of Information of the State of Palestine, the Foreign Secretary of Bangladesh and Representatives of Zambia and Zimbabwe.

3. The Ministers highly appreciated the important statement made by the President of the State of Palestine and Chairman of the Executive Committee of the Palestine Liberation Organization, Yasser Arafat, on the positive and constructive role of the Movement in its support for the liberation struggle of the peoples of Namibia, South Africa and Palestine. He stressed the intifadah of the Palestinian people against the occupation by Israel, gave details on the repressive practices of Israel, the suffering of the Palestinian people and the high number of victims, martyrs and injured, demolitions of property, and of abortions resulting from the use of internationally prohibited chemical weapons. He drew the attention of participants to the dangers resulting from the daily increasing numbers of Jewish immigrants and to the decision of the Government of Israel to settle them in Palestinian territory, including Jerusalem and Nablus. He stated that, in addition to being illegal and a violation of human rights, immigration had grave demographic effects, particularly as it was aimed at realizing the "Greater Israel" plan. He warned that such action undermined peace efforts and the peace process. He proposed that the Movement should avail itself of the opportunity afforded by the convening of the Security Council to participate actively in its deliberations. He referred also to the PLO-USA dialogue and mentioned that the United States had not as yet raised the level of the dialogue. He also stated that the PLO had accepted US Secretary of State Baker's initiative and that Israel was avoiding it, as it had rejected all other peace initiatives.

4. The Ministers considered that the Co-ordinating Bureau and the Non-Aligned Countries had made a positive contribution to the consideration of the question of Palestine and the situation in the Middle East at the forty-fourth session of the United Nations General Assembly. They welcomed the activities undertaken by the Chairman of the Movement and the Committee of Nine in permanent co-ordination with the leadership of the State of Palestine to formulate the most effective action of

the Movement aimed at promoting the Middle East peace process. In this context, consultations had been held with influential factors in the Middle East crisis, such as China, the United States, the Soviet Union and the European Community, which reflected a growing readiness to contribute to the efforts aimed at reaching a durable, comprehensive and just solution to the Palestinian question and the Middle East crisis, and strengthened the role of the Movement and its more immediate influence as an important factor in achieving such a solution.

5. They expressed concern that the situation in the Middle East continued to be very serious owing to Israeli intransigence, that threats to peace and security in the region persisted, and that there had been an escalation of repressive measures, such as confiscation of property, forced eviction of Palestinians and the establishment of settlements by the Israeli occupation authorities.

6. The declared policy of Israel to settle Jewish immigrants from the Soviet Union in the occupied Palestinian territory, including Jerusalem, was of grave consequence. Such organized, mass actions undermined the peace process, jeopardizing all efforts undertaken so far, and they were in a flagrant violation of the norms of law, the Fourth Geneva Convention and the International Covenant on Civil and Political Rights, and of the fundamental human rights of the Palestinian people. Supporting the right of every individual to leave any country, including his own, the Ministers stressed that the exercise of this right should not be imposed or to the detriment of others, in this particular case of the Palestinians. The Non-Aligned Countries should call upon the international community and the United Nations Security Council to take resolute action to prevent such attempts and declare them illegal, null and void. In this context they called upon the Security Council to consider measures for the impartial protection of the Palestinian civilian population under Israeli occupation and to call upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories. The member countries of the Committee of Nine will express this view in the Security Council and will endeavour to have it endorsed in the Council's decisions.

7. The Ministers observed that there were nevertheless certain developments creating more favourable conditions for the search for a peaceful solution to the Middle East conflict, at the core of which is the question of Palestine.

8. They emphasized that the intifadah of the Palestinian people in the territories occupied by Israel had contributed significantly to these endeavours, as well as the constructive approach on the part of the PLO, the Palestinian peace initiative approved by the Palestine National Council on 15 November 1988 and proclaimed by the Chairman of the PLO at the General Assembly on 13 December 1988. The readiness of the PLO for dialogue on all relevant issues showed the PLO's sincerity and genuine response to the requirements of peace in the Middle East.

9. The Ministers noted with satisfaction that these developments had received broad international support, particularly by an overwhelming majority in the General Assembly, and had had a positive impact on those factors in Israel favouring a peaceful and just solution, as well as on the Jewish communities

throughout the world, thus contributing to the creation of better conditions for a successful joint action of the Movement and the international community as a whole.

10. The Ministers stressed that a comprehensive, durable and just solution was possible only on the basis of full realization of the legitimate rights of the Palestinian people to self-determination, including the establishment of their own State, withdrawal of Israel from all the territories occupied since 1967, including Jerusalem, the right of all peoples in the region to live in peace and security within internationally recognized borders, and the right of Palestinian refugees to return. They reiterated that the solution was possible only with the participation, on an equal footing, of the Palestinian people, led by the PLO, its sole and legitimate representative, in all negotiations and phases of the peace process as an integral part of the international peace conference.

11. They pointed out, in this context, that the Middle East peace process had entered an important and critical stage in creating conditions for the establishment of a fruitful Palestinian-Israeli dialogue, which should focus on all the substantive issues. In this respect they rejected all unjustified Israeli demands putting pre-conditions on the opening of such a dialogue and considered that such demands were aimed at circumventing the real issues and also at gaining time in an attempt to suppress the intifadah of the Palestinian people.

12. The Ministers noted the statement of President Arafat, who, as well as other speakers, referred to the efforts undertaken through Egypt, the United States and other international and regional forces towards initiating a Palestinian-Israeli dialogue as soon as possible. They stressed, in this context, the importance of the dialogue between the United States and the PLO and expressed the expectation that the United States, in order to ensure progress of the peace process, would continue to exert influence on the Israeli attitude, bearing in mind the importance of its existing support for and good relations with Israel, which takes advantage of this support to persist in its policy and practices.

13. They underlined the importance of, and the need for, an adequate contribution of international factors to the peace process, and in that context, welcomed the significant contribution, understanding and support of the Soviet Union, the European Community, China, Japan, the Nordic countries, as well as of Canada and Australia and an increasing number of other countries, regarding the full exercise of the right of the Palestinian people of self-determination.

14. The Ministers invited the Security Council to proceed, as a matter of urgency, to preparations for convening the international peace conference on the Middle East under the auspices of the United Nations, on the basis of Security Council resolutions 242 (1967) and 338 (1973) and the legitimate national rights of the Palestinian people, primarily the right to self-determination, with the participation, on an equal footing, of all the parties directly concerned, including the PLO. They expressed great appreciation to the Secretary-General of the United Nations for his endeavours in this regard and called upon him to continue with his efforts.

15. The Committee of Nine will work actively towards convening the international peace conference through its ad hoc groups, to be set up according to the decision taken at the last Committee Meeting held at the summit level at Belgrade, and will use its influence with the permanent members of the Security Council and the Secretary-General towards that end.

UNITED
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General Assembly Security Council

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16 March 1990
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FRENCH/RUSSIAN

GENERAL ASSEMBLY
Forty-fifth session
Items 32 and 38 of the preliminary list*
THE SITUATION IN KAMPUCHEA
QUESTION OF PEACE, STABILITY AND
CO-OPERATION IN SOUTH-EAST ASIA

SECURITY COUNCIL
Forty-fifth year

Letter dated 15 March 1990 from the representatives of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Secretary-General

Representatives of our Governments met in Paris on 12 and 13 March 1990 for a third session of discussions on the modalities of a comprehensive political settlement of Cambodia conflict.

We have the honour to enclose the text of the summary of discussions agreed to at that session and should be grateful if you would arrange for it to be circulated, with the present letter, as a document of the General Assembly, under items 32 and 38 of the preliminary list, and of the Security Council.

(Signed) LI Luye
Permanent Representative
of China to the United Nations

(Signed) Pierre-Louis BLANC
Permanent Representative
of France to the United Nations

* A/45/50.

(Signed) Aleksandr M. BELONOGOV
Permanent Representative
of the Union of Soviet Socialist
Republics to the United Nations

(Signed) Sir Crispin TICKELL
Permanent Representative of
the United Kingdom of Great Britain
and Northern Ireland to the
United Nations

(Signed) Alexander WATSON
Chargé d'affaires a.i. and
Deputy Permanent Representative
of the United States of America
to the United Nations

ANNEX

SUMMARY OF DISCUSSIONS

The Five Permanent Members of the United Nations Security Council met in Paris on 12-13 March 1990 for a third session of discussions on the modalities of a comprehensive political settlement of the Cambodia conflict. Their starting point was the agreement reached at the previous sessions in Paris and New York, taking account of the recent discussions among the Cambodian parties and of the Informal Meeting on Cambodia in Jakarta.

Although no text was formally adopted in Jakarta, the Five noted that in the course of the meeting, common understanding was reached among all concerned, notably the Cambodian parties, on the need for the United Nations to have an enhanced role in dealing with the various aspects of the Cambodian settlement process and for the establishment of a Supreme National Council.

In this connection, the Five recalled the statement issued after their meeting in New York and reaffirmed that the question of Cambodia must be resolved by a comprehensive political settlement including both military and administrative aspects, during the transitional period.

They also stressed the need for effective measures to guarantee the human rights and fundamental freedoms of the Cambodian people.

A primary purpose of the United Nations' involvement will be the organisation and conduct of free and fair elections under its direct administration. This will require the creation of a neutral political environment in which no party would be advantaged.

1/ Organisation of Elections.

The United Nations should be responsible for the organisation and conduct of free and fair elections on the basis of genuine and verified voter registration lists of Cambodian citizens. Eligibility to vote, including provisions regarding the conditions of residence in Cambodia, will be established in the electoral law. Special electoral arrangements should be agreed to guarantee the right to vote of Cambodian refugees and displaced persons.

The electoral process should therefore be guided by the following principles :

- the system and procedures adopted should be, and be seen to be, absolutely impartial while the arrangements should be as administratively simple and efficient as possible ;

- all Cambodian participants in the elections should have the same rights, freedoms and opportunities to take part in the election process ; and

- all parties should commit themselves to honouring the results.

The duration of the electoral process should be consistent with the above and as short as possible . It should lead to a single election of a constituent assembly which would approve a Constitution and transform itself into a legislative assembly.

2/ Supreme National Council

Bearing in mind the principle according to which the Cambodian parties should be consulted on questions relating to Cambodian sovereignty, the Five invited the four Cambodian parties to agree that a Supreme National Council should be established as the unique legitimate body and source of authority in which, throughout the period of transition, national sovereignty and unity should be enshrined.

Its composition should be decided by the Cambodian parties themselves and could include representatives of all shades of opinion among the people of Cambodia. From its creation, it will delegate to a United Nations Transitional Authority in Cambodia (UNTAC) all necessary powers including those to conduct free and fair elections. It will interface with the United Nations Transitional Authority and be consulted on, and give advice relevant to, the functions of civil administration and electoral organisation.

As the enshrinement of Cambodian sovereignty, the Supreme National Council would occupy the seat of Cambodia at the United Nations and its specialised agencies, and at other international bodies and conferences.

3/ Creation of a United Nations Transitional Authority in Cambodia (UNTAC)

Given the need for a neutral administration in Cambodia during the transitional period and the need to create a neutral environment in which free and fair elections could take place, the creation of a United Nations Transitional Authorityin Cambodia is necessary.

The United Nations Transitional Authority will be established by the UN Security Council under the direct responsibility of the United Nations Secretary-General who may appoint a Special Representative. It should exercise all powers necessary over Cambodian territory in its entirety in order to :

- assure the Cambodian people of freedom from intimidation and the threat of force and corruption ;

- provide them with protection from economic and social discrimination ; and

- guarantee human and civil rights for all.

*

* *

The Five met M. Rafeeuddin Ahmed, Under Secretary General of the United Nations. Through him, they asked the Secretariat of the United Nations to provide relevant technical information and advice. The Five consulted again with representatives of a number of other countries, also actively engaged in the search for a peaceful settlement in Cambodia.

They agreed to meet, if possible before the middle of May, in New York to continue their work to achieve a comprehensive settlement, including the military and peacekeeping aspects and the question of existing structures and regimes. They further intend to meet in Paris and, if the conditions are ripe, to consult with the representatives of the Cambodian parties.

In the interim, they will maintain contact with the United Nations Secretary-General's task force on Cambodia through their missions in New York and continue their consultations with other interested parties.

UNITED NATIONS

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19 March 1990

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Forty-fifth session
Item 35 of the preliminary list*

THE SITUATION IN THE MIDDLE EAST

Letter dated 16 March 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Japan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement issued on 16 March 1990 by a spokesman of the Ministry of Foreign Affairs of Japan concerning the execution in Iraq of a British journalist (see annex).

I should be grateful if you would have this text circulated as an official document of the General Assembly under item 35 of the preliminary list.

(Signed) Katsumi SEZAKI
Ambassador Extraordinary
and Plenipotentiary
Deputy Permanent Representative
and Chargé d'affaires of
Japan to the United Nations

* A/45/50.

ANNEX

Statement dated 16 March 1990 by a spokesman of the Ministry of Foreign Affairs of Japan concerning the execution of a British journalist in Iraq

1. We have received the report that a journalist working for The Observer, a British newspaper, has been executed in Iraq. Although we are aware that the sentence was handed down in accordance with Iraqi law, we regret that, in spite of appeals for clemency made by countries concerned, the execution was carried out.

2. On 14 March, on humanitarian grounds and from the standpoint of a country which has friendly relations with both Iraq and the United Kingdom, the Government of Japan made a representation to the Government of Iraq expressing the hope that Iraq would give generous consideration to the appeal by the United Kingdom for clemency.

UNITED
NATIONS

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General Assembly

Economic and Social Council

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E/1990/45
20 March 1990

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GENERAL ASSEMBLY
Forty-fifth session
Item 12 of the preliminary list*
REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

ECONOMIC AND SOCIAL COUNCIL
Second regular session of 1990

Letter dated 12 March 1990 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General

I have the honour to attach herewith the text of the Aswan Declaration, dated 13 February 1990, entitled "The revival of the Library of Alexandria" (see annex).

I kindly request you to circulate this letter and its annex as an official document of the General Assembly, under item 12 of the preliminary list and of the Economic and Social Council, under the item entitled "Co-ordination questions" of its second regular session of 1990.

(Signed) Amre MOUSSA
Ambassador
Permanent Representative

* A/45/50.

ANNEX

Aswan Declaration on the revival of the Library of Alexandria

At the beginning of the third century before our era, a great meeting of peoples and cultures was conceived in ancient Alexandria: the creation of a library in the lineage of Aristotle's Lyceum, transposing Alexander's dreams of empire into a quest for universal knowledge. On the eve of the third millennium and under the patronage of President Mohammed Hosni Mubarak, the Government of the Arab Republic of Egypt is seeking, in co-operation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and with the financial support of the United Nations Development Programme and other public and private sources, to revive and ancient library of Alexandria by restating its legacy in modern terms.

The library was a testimony to a decisive moment in the history of human thought, the attempt to constitute a sum of knowledge and to assemble the writings of all peoples. It will bear witness to an original undertaking that, in embracing the totality and diversity of human experience, became the matrix for a new spirit of critical inquiry, for a heightened perception of knowledge as a tool, and the quest for knowledge as a collaborative process.

The ancient library of Alexandria and its associated museum gave birth to a new intellectual dynamic. By gathering together all the known sources of knowledge and organizing them for the purposes of scholarly study and investigation, they marked the foundation of the modern notion of the research foundation. Within this haven of learning, the arts and sciences flourished for some six centuries along with scholarship. The classification and exegesis of the classical literary canon nourished the poetic wit of Callimachus and the pastoral muse of Ocritus. The theorems of the masters of Greek thought, informed by the new Alexandrian spirit of critical and empirical inquiry, yielded major insights and advances in those branches of science associated with the names of Euclid, Herophilus Erashenes, Aristarchus, Ptolemy, Strabo, Archimedes and Heron.

Constructed on the site of the palace of the Ptolemies, the new Alexandria Library will give modern expression to an ancient endeavour. A splendid contemporary design for the library has already been adopted through an international architecture competition. Detailed plans now exist for a facility containing the latest computer technology and serving as a public research library. Conceived in the spirit of the world decade for cultural development, this institution will be open, not only to researchers from the Mediterranean countries, but from all over the world. Its specialized collections will relate to the Egyptian, Middle-Eastern and Greek civilizations, the birth of Coptic Christianity, and the theo-Islamic heritage, with special emphasis on the history of science and on works likely to have been contained in the original library. Subsequently, the library will expand to cover other disciplines in keeping with its universal vocation. It will thereby contribute both to the development of the region in which it is situated and the understanding of that region throughout the world.

Bibliotheca Alexandrina will be a link with the past and an opening into the future. It will be unique in being the first library on such a scale to be designed and constructed with the assistance of the international community acting through the United Nations system.

We, the members of the International Commission for the Revival of the Ancient Library of Alexandria, meeting at the inaugural session in Aswan in February 1990, under the leadership of Mrs. Susan Mubarak, pledge our support and commitment to this project, and reiterate to this end the appeal made by the Director-General of UNESCO in 1987 to all Governments, international and non-governmental organizations, public and private institutions, funding agencies, librarians, archivists, and the people of all countries to participate by means of voluntary contributions of all kinds, in the effort initiated by the Egyptian Government to revive the library of Alexandria. To help assemble and preserve the collections, to train the necessary staff, and to ensure the library's functioning, we call upon all scholars, writers, artists and those whose task it is to inform through the written and spoken word to help generate awareness of the international project for the revival of the library of Alexandria and support this historic venture. Finally, we urge all Governments to donate to Bibliotheca Alexandrina such works in their possession as will help to constitute and enhance the library's collection in recognition of the unique gift made by the ancient Library of Alexandria to our common heritage.

UNITED NATIONS

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General Assembly

Economic and Social Council

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21 March 1990

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Forty-fifth session
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preliminary list*
REPORT OF THE ECONOMIC AND
SOCIAL COUNCIL

ECONOMIC AND SOCIAL COUNCIL
First regular session of
1990
Item 3 of the provisional
list**
HUMAN RIGHTS QUESTIONS

Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on apartheid, racial discrimination and racism, and the systematic denial of human rights and fundamental freedoms

Report by the Secretary-General

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 3	3
II.	CONSIDERATION BY THE COMMISSION ON HUMAN RIGHTS	4 - 8	3
III.	INFORMATION PROVIDED BY STATES	9 - 60	4
	A. Byelorussion Soviet Socialist Republic	9 - 18	4
	B. Dominican Republic	19 - 23	6
	C. German Democratic Republic	24 - 32	7

* A/45/50.

** E/1990/30.

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CONTENTS (continued)

	Paragraphs	Page
D. Israel	33 - 34	10
E. Mongolian People's Republic	35 - 38	10
F. Panama	39 - 41	11
G. Philippines	42 - 48	12
H. Qatar	49 - 55	13
I. Republic of Zambia	56 - 60	14

I. INTRODUCTION

1. At its forty-third session, the General Assembly, in its resolution 43/150 of 9 December 1989, again resolutely condemned all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, that are based on apartheid, racial discrimination and racism, and the systematic denial of human rights and fundamental freedoms, or which have such consequences; expressed its determination to resist all these ideologies, and especially their practices, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity; and invited all States and international organizations to submit to the Secretary-General their comments and information on the implementation of the resolution.

2. The General Assembly, in the same resolution, requested the Secretary-General to submit a report, through the Economic and Social Council, to the Assembly at its forty-fifth session, in the light of the discussion that would take place in the Commission on Human Rights and on the basis of comments provided by States and international organizations.

3. In compliance with that resolution, the Secretary-General sent communications to Governments, specialized agencies and international organizations requesting other comments on the above-mentioned issues. The replies received are reflected in the present report (see sect. III below).

II. CONSIDERATION BY THE COMMISSION ON HUMAN RIGHTS

4. In accordance with General Assembly resolution 2839 (XXVI) of 18 December 1971, the Commission on Human Rights has maintained on its agenda, since its twenty-eighth session in 1972, an item concerning measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred.

5. Pursuant to General Assembly resolution 36/162 of 16 December 1981, the item has been considered by the Commission on Human Rights since its thirty-eighth session under the title "Measures to be taken against all totalitarian or other ideologies and practices, in particular Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences".

6. During its forty-second session, the Commission on Human Rights considered the item and adopted resolution 1986/61, in which the Commission expressed its decision to include the item in the provisional agenda of its forty-fourth session and thereafter to consider it on a biennial basis.

7. During its forty-sixth session, the Commission on Human Rights considered the item at its 51st and 52nd meetings, on 6 March 1990. The views expressed during the consideration of the item are contained in the summary records (E/CN.4/1990/SR.51 and 52).

8. On 6 March 1990, the Commission on Human Rights adopted resolution 1990/45, paragraphs 1 to 5 of which read as follows:

"The Commission on Human Rights,

"...

"1. Condemns all totalitarian or other ideologies and practices, including Nazi, Fascist or neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences;

"2. Expresses its determination to resist all totalitarian ideologies, and especially their practices, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity;

"3. Considers that the best defence against all totalitarian ideologies lies in free effective popular participation in democratic institutions, including in particular genuine and periodic elections, based on respect for the human rights proclaimed in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments;

"4. Calls upon all States to take the necessary measures to ensure the thorough investigation and the detection, arrest, prosecution or extradition and punishment of all war criminals and persons guilty of crimes against humanity who have not yet been brought before a court and appropriately punished;

"5. Calls upon all States to promote, especially among the young, respect for international law as well as human rights and fundamental freedoms."

III. INFORMATION PROVIDED BY STATES

A. Byelorussian Soviet Socialist Republic

9. The Byelorussian Soviet Socialist Republic states that it attaches great importance to the consideration by the United Nations of the question of taking action against Fascism, Nazism and other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror.

10. The Byelorussian Soviet Socialist Republic fully supports the provisions of General Assembly resolution 43/150, in which the Assembly emphasized that the doctrines of political, racial or ethnic superiority on which the totalitarian entities and régimes are based contradict the spirit and principles of the United Nations and that the application of such doctrines in practice leads to wars, mass and flagrant violations of human rights and crimes against humanity, such as genocide, and creates serious obstacles to friendly relations among nations.

11. The Byelorussian Soviet Socialist Republic welcomes the appeal contained in General Assembly resolution 43/150 and resolution 1988/63 of the Commission on Human Rights.

12. The Byelorussian Soviet Socialist Republic was one of the first countries to sign and ratify the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the International Convention on the Supression and Punishment of the Crime of Apartheid. Strict compliance with the provisions of these and other international instruments to which the Byelorussian Soviet Socialist Republic has acceded is a principle that it follows unfailingly.

13. The entire political and social fabric of the Byelorussian Soviet Socialist Republic completely precludes any social, economic, political, legal, ideological or other conditions in which such phenomena as racism, racial discrimination, Fascism and Nazism could arise and become established. The Constitution of the Byelorussian Soviet Socialist Republic embodies the principle that citizens of the Republic are equal before the law and have equal rights, irrespective of their origin, social or property status, race or nationality, sex, education, language, attitude to religion, occupation or employment, residence or other circumstances. Any direct or indirect privileges to a citizen on grounds of race or nationality, or any advocacy of racial or national exclusiveness, hostility or contempt is punishable by law.

14. Serious attention is being paid to promote fundamental human rights and freedoms and to international law, and to deter Fascist, neo-Fascist and other totalitarian ideologies and practices based on terror, hatred and violence. The Byelorussian Soviet Socialist Republic expresses its concern at the revival of Nazism, Fascism and neo-Fascism in certain countries. The activities of neo-Fascist and neo-Nazi organizations are, in a number of cases, continuing unchecked and are sometimes even being encouraged directly or indirectly. The stepping-up of the activities of such groups and organizations is a threat not only to human rights and fundamental freedoms where this is being done but also to peace and security and international co-operation in the field of human rights.

15. In this connection, the Byelorussian Soviet Socialist Republic is in favour of guaranteeing the right to defence against neo-Nazism and providing for the cessation of any encouragement or protection of neo-Nazi activities and prohibiting Fascist and racist propaganda, which continues unchecked in a number of Western countries on the pretext of "freedom of speech". It is well known that the articles on freedom of speech in the International Covenant on Civil and Political Rights provide directly for the possibility of restricting the exercise of such freedoms to prevent their use to the detriment of national security, public safety or the rights and freedoms, health or morals or others.

16. The Byelorussian Soviet Socialist Republic welcomes the appeal addressed to all States, in General Assembly resolution 43/150 and resolution 1988/63 of the Commission on Human Rights, that they should ensure the thorough investigation, detection, arrest, extradition and punishment of all war criminals and persons

guilty of crimes against humanity who have not yet been brought before a court and appropriately punished.

17. The Byelorussian Soviet Socialist Republic is scrupulously and steadfastly fulfilling its international obligations to identify and punish Nazi war criminals and their accomplices. The overwhelming majority of such persons were exposed by Soviet investigating agencies and convicted in line with the gravity of their crimes. With the active assistance of the population, the country's investigating agencies are continuing to perform their task, as is clear from the number of trials that have taken place in recent years. The progress of the trials and the sentences handed down by the courts have been widely publicized by the newspapers and other mass media.

18. The task of ensuring that war criminals do not escape punishment and of resolutely suppressing Fascist ideology and practice is not a mere legal matter. It is a duty to the victims of Fascism and militarism, and an expression of the unswerving determination of nations to do everything to ensure that war crimes and crimes against humanity are never committed again and that the scourge of war is banished forever from the face of the earth. The struggle against the ideology and practice of Fascism must become an integral part of the international community's steadily increasing efforts to strengthen peace and consolidate international security. The international organizations have an active role to play in this respect, particularly by intensifying efforts to expose the reactionary nature of ideologies and practices on Nazism, racism and other anti-human theories and to educate the peoples of the world, particularly the younger generations, in a spirit of peace and friendship.

B. Dominican Republic

19. The Dominican Republic states that it signed the United Nations Declaration on the Elimination of All Forms of Racial Discrimination in 1966 and ratified it in 1967, and also signed the International Convention on the Elimination of All Forms of Racial Discrimination in 1983.

20. Article 100 of the Constitution provides that "The Dominican Republic condemns any privilege and any situation that tends to weaken the equality of all Dominicans, between whom no differences shall be observed save those resulting from talent or virtue, and consequently no entity of the Republic may grant titles of nobility or hereditary distinctions".

21. Article 3 of the Constitution reads as follows: "The sovereignty of the Dominican nation as a free and independent State is inviolable. The Republic is and always shall be free and independent of any foreign Power. Consequently none of the public authorities organized by the present Constitution may perform or permit the performance of any act which constitutes direct or indirect intervention in the domestic or external affairs of the Dominican Republic or interference encroaching upon the personality and integrity of the State and of the functions and powers recognized and affirmed for it in this Constitution. The principle of non-intervention constitutes an invariable rule of Dominican international policy".

22. The Dominican Republic recognizes and applies the rules of general and Western Hemisphere international law in so far as its public authorities have adopted them. It declares itself in favour of the economic solidarity of the countries of the Americas and will support any proposal making for the protection of its primary commodities and raw materials, complying faithfully with article 1 of the International Covenant on Economic, Social and Cultural Rights, concerning the "right of self-determination". The Dominican Republic signed the Covenant in 1966.

23. The Dominican Republic, as a free and democratic country, is respectful of human rights, is striving to bring up the new generations in a spirit of respect for international law and fundamental freedoms, and rejects any totalitarian practice based on terror, hatred and violence.

C. German Democratic Republic

24. The German Democratic Republic states that it welcomes the fact that the United Nations General Assembly, at its forty-third session, again condemned rigorously Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racism and violations of human rights, and that the Assembly expressed its firm determination to resist them resolutely.

25. The German Democratic Republic highly appreciates General Assembly resolution 43/150 as another contribution in the struggle against racial discrimination and the practices of apartheid, as well as to the implementation of human rights. It reflects the aspirations shared world wide by millions of people who are pledged to peace and constructive co-operation. Fascist excesses and the fact that revanchist and Fascist circles, as well as forces affiliated with them, have made their way into local and national parliaments and even into the parliaments of the Western European States underscore the timeliness of the General Assembly's move to adopt resolution 43/150.

26. Given the current situation in a number of countries where social insecurity is spreading among the masses, where parts of the population are becoming ever poorer while profits explode, where mass unemployment and particularly permanent joblessness are increasing, where housing is short, where workers are fearful of losing their jobs and where measures taken by Government cause social hardships, Fascist ideas are gaining ground and neo-Fascist associations are attracting ever more followers. What is needed, against that background, is, parlicularly, vigilance, an anti-Fascist spirit in education and the employment of juridical means to contain fanatically militant neo-Fascists committing terrorist acts. This must be attended by social policies which guarantee decent living standards and a secure social environment to all members of society and which deprive neo-Fascist tendencies of any breeding ground. The experience that a strong alliance of all democratic forces can defeat Fascism ought not to be forgotten. History shows that such ideologies as Fascism, which served to fog the minds of people and which plunged the world into a catastrophe of unprecedented dimensions, must be nipped in the bud.

27. The German Democratic Republic is among those States and peoples which regard the United Nations as the proper forum for a dialogue between those who are pledged to mankind's lofty aims and to the pursuit of peace, fruitful co-operation and a meaningful life. This forum has a particular responsibility in that the requisite conclusions are to be drawn from the current situation in order to counteract the stratagems of neo-Fascist forces, because these constitute not only a threat to peace, but also contempt for the purposes and principles guiding the United Nations, and in order to eliminate anything that could prepare the ground for such machinations. All Member States should be committed to participating in this effort and contribute in good faith to the implementation of the United Nations decisions aimed at eliminating Fascism.

28. The provisions of the accords adopted by the anti-Hitler coalition - in particular the Potsdam Agreement - designated to eliminate Fascism were fulfilled on the territory of the German Democratic Republic. Both legislation and legal practice in the German Democratic Republic ensure that no groupings or organizations professing Fascist ideas can emerge or become operational on its territory. War propaganda and revenge-mongering are prohibited under the country's Constitution, just as any manifestation of hatred against creeds, racial hatred and hatred against peoples. Violations of these constitutional precepts will be heavily punished.

29. Living up to international commitments and true to its principles and anti-Fascist stance, the German Democratic Republic has followed up on any information with regard to war crimes and crimes against humanity. As a result, crimes were exposed even decades after their commission, and those who had committed such crimes were brought to justice. Up to the present day, investigations carried out in close co-operation with judiciary organs of other States have led to court sentences for 12,880 Nazi and war criminals. In addition, the German Democratic Republic authorities have made available a host of documentation on relevant court proceedings and trials. Representatives of the German Democratic Republic also participate in court proceedings conducted abroad against Nazi and war criminals.

30. From the very outset, youth policies in the German Democratic Republic have been designed in the first place to impart to young people knowledge about Fascist crimes and barbarities and to educate them in the spirit of anti-Fascist traditions, understanding among peoples and peace. In that pursuit, educational institutions and parents work closely together. Educational plans and curricula nation wide are also conceived to form the world outlook and moral values of young people, to provide them with a picture of history seen from a scientific perspective, thus enabling them to realize themselves what the general laws of societal development are. Also, they learn to respect human beings and human dignity and to work for the progress of society. This is a task in which share also public organizations, former resistance fighters and fighters against Fascism. These elements, along with the active democratic co-determination of the citizenry in building our society, guarantee that Fascism will never rear its head in the German Democratic Republic.

31. The struggle against neo-Fascism, which is spreading more and more on an international scale, and against all other totalitarian practices directed against

the peaceful coexistence of peoples, is a matter that concerns the international community of States as a whole. Therefore, the German Democratic Republic believes that the international covenants listed in paragraph 6 of resolution 43/150, covenants which were all signed by this country, can only be implemented through a co-operative effort. It is logical that the appeal "For a world without war" issued last May by the Foreign Ministers Committee of the Warsaw Treaty States also cautioned against the spreading of neo-Fascism in a number of European countries and that it pointed to the resulting danger for international peace and security. The appeal also calls for resolutely countering any manifestation of revanchism, chauvinism and nationalism, all forms of hostility among nations and attempts at challenging the territorial integrity of States. It furthermore called for sparing no efforts in order to guarantee all people on our planet the right to live in peace.

32. The German Democratic Republic welcomes the active endeavours of States and international organizations, of associations of former resistance fighters, war veterans, victims of Fascism and religious communities as well as of all other democratic forces against the resurgence of Fascism. It firmly stands up for eliminating Fascism, for averting dangers emanating from Fascist quarters and for rejecting attacks on elementary norms governing the coexistence of nations so that better conditions may be created for the implementation of the purposes and principles set out in the United Nations Charter. In that pursuit, all States united under the umbrella of the world Organization should share in carrying out the following primordial tasks:

(a) Persistent efforts to punish war criminals and those committing crimes against humanity;

(b) The prohibition and disbanding of all neo-Fascist organizations;

(c) The prohibition and prevention of the propaganda of war and revanchist ideas, as well as of hatred against creeds, races and nations;

(d) The creation of improved social and other conditions for each individual so as to preclude that people in despair submit to the demagoguery of Fascism;

(e) The elimination of xenophobia and vilification of other nations, as well as the rejection of hegemonic and revenge-mongering designs;

(f) The education and upbringing of the young generation in the spirit of anti-Fascism and respect for international law and the fundamental human rights and freedoms;

(g) Creation of an anti-Fascist climate and categorical banishment of Fascism, racism and revanchism.

D. Israel

33. The Government of Israel states that it attaches great importance to General Assembly resolution 43/150 and its implementation. Israel has enacted the Nazi and Nazi Collaboration (Punishment) Law - 1950, under which the infamous criminal Adolf Eichmann was tried and convicted and the present case of Ivan Demianjuk is in process of litigation. Israel has also offered its co-operation to all Governments in pursuit of international efforts to bring Nazi war criminals to justice.

34. Effective implementation of this resolution, therefore, would require the co-operation of the international community in dissuading Governments from harbouring Nazi criminals such as Alois Brunner and in eradicating the scourge of modern neo-Nazi and anti-Semitic organizations.

E. Mongolian People's Republic

35. The Mongolian Government states that the existence, in a number of countries, of neo-Nazi and similar right-wing extremist organizations and groups, and their increasing activity in policies as well as in the parliaments of certain Western countries, highlights the need for greater efforts on the part of States and international organizations to prevent and eradicate this dangerous evil. Apartheid and Zionism, which have been established as State policy by the South African and Israeli régimes, demonstrate in a particularly clear manner the threat posed by the practice of racism to human rights and fundamental freedoms, as well as to peace and international security. Moreover, it is particularly appropriate this year to remind the international community that 50 years ago the sinister union of Fascism and militarism based on the ideology of racial superiority and hatred plunged mankind into its most devastating war. The Mongolian people were among the first to experience the fatal consequences of this collusion in 1939, when Japanese militarism committed aggression against the Mongolian People's Republic.

36. The Government of the Mongolian People's Republic considers that progress in improving the international situation and maintaining a spirit of international co-operation in the military-political and other spheres enhance the possibility of waging a successful campaign against Nazi, Fascist and neo-Fascist policies and all other manifestations of ideologies and practices based on a policy of racial discrimination.

37. The Government of the Mongolian People's Republic believes that the coming forty-fifth anniversary in 1990 of the end of the Second World War is yet another event that can help to mobilize the efforts of all States, the United Nations, other international organizations and world public opinion for the eradication of all manifestations of ideologies and practices of racism and Nazism. In this connection, it considers that the General Assembly might:

(a) Invite all States and international organizations on the occasion of the anniversary of the end of the Second World War, to make greater efforts to promote the eradication of the apartheid system in South Africa, particularly by applying comprehensive and mandatory sanctions against the racist régime in Pretoria in

accordance with the wishes of the overwhelming majority of members of the international community;

(b) Request the Security Council to take specific measures aimed at finding ways and means of forcing Israel to end its acts of genocide and other repressive measures against the Arab population in the occupied territories.

38. As stated in the replies of the Mongolian People's Republic to General Assembly resolutions 40/148 and 41/160, any direct or indirect restriction of the rights of citizens on grounds of race or nationality, and any advocacy of chauvinistic or nationalistic ideas, is forbidden by law in Mongolia. Its entire educational system is aimed at educating the younger generation in a spirit of peace and friendship among peoples and of intolerance towards manifestations of racial prejudice.

F. Republic of Panama

39. The Republic of Panama states that it continues to be concerned about political doctrines based on racial or ethnic intolerance, hatred, terror and abuse of force.

40. With regard to the adoption of measures to make the dissemination of ideas based on racial superiority or hatred and propaganda for war punishable by law, the Criminal Code of the Republic of Panama considers any expression of racial superiority to be an offence and provides, in article 311, that anyone who uses such ideologies to attempt to dominate a particular group is liable to a term of imprisonment. Article 311 provides that "any person who takes part in the partial or total destruction of a particular group of people on account of their nationality, race or religious or political beliefs shall be liable to a term of imprisonment of 15 to 20 years". Furthermore, article 39, paragraph 2, of the Constitution stipulates that "recognition shall not be granted to associations which espouse ideas or theories based on the alleged superiority of a particular race or ethnic group or which seek to justify or promote racial discrimination".

41. The Republic of Panama is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights and its Optional Protocol and the International Convention on the Suppression and Punishment of the Crime of Apartheid.

G. The Philippines

42. The Government of the Philippines states that measures to ensure the thorough investigation, detention, arrest, extradition and punishment of all war criminals and persons guilty of crimes against humanity who have not yet been brought before a court and appropriately punished are not applicable to the Philippines since the country has no war criminal, nor has it persons guilty of crimes against humanity (genocide), although the Philippines is a State party to the Convention of the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.

43. As regards the question of educating the young in the spirit of respect for international law and fundamental human rights and freedoms and against Fascist, neo-Fascist and other totalitarian ideologies and practices based on terror, hatred and violence, the Government has issued Executive Order No. 27 providing for education to maximize respect for human rights. This order directed the Department of Education, Culture and Sports (DECS) to include the study and understanding of human rights in the curricula of all levels of education and training in all schools in the country, adopting the scope of treatment of the subjects or courses on human rights to the respective educational levels. In line with this, DECS is presently conducting, in co-operation with the Commission on Human Rights, a workshop on the integration of human rights subjects in the curricula of all levels of education in all schools in the country.

44. The Government states that Section 7 of Article II of the 1987 Constitution provides as one of the State's policies the following: "The State shall pursue an independent foreign policy. In its relations with other States the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination."

45. At the international level, the Philippines freely supports the right to self-determination of peoples and has consistently supported the United Nations resolutions for the realization of this right. It actively participated in the drafting of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In particular, it assisted in the drafting of the provisions of these instruments on the right to self-determination.

46. The Philippines thus strongly supports the peoples and nations in particular areas where rights to self-determination are violated, suppressed or impeded. It supports United Nations action for the realization of the right to self-determination of the people of Palestine in the occupied territories and of the peoples of Namibia, Western Sahara, Afghanistan and Kampuchea.

47. In extending the concept of the right to self-determination, the Philippines Government is poised to grant autonomy to the Muslim community and to the cordillera cultural minorities.

48. The Government further states that it is a party to the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the International Convention on the Suppression and Punishment of the Crime of Apartheid.

H. Qatar

49. The State of Qatar states that it attaches great importance to the consideration by the United Nations of the question of measures to be taken against Fascism, Nazism and similar types of ideologies that promote racial hatred and

terrorism. The State of Qatar wishes to express its concern at the recent increase in the activities of neo-Fascist, Fascist and Nazi organizations in numerous countries. The Government of Qatar attaches special importance to the provision contained in the programme of action of the Decade to Combat Racism and Racial Discrimination, which draws attention to the need for all States to take measures to prohibit the establishment of such organizations. The State of Qatar points out that its socio-economic structure excludes the likelihood of the appearance of any manifestation of racism, racial superiority, Nazism or Fascism in the country. It should also be noted that the constitutional principle of the equality of all citizens, regardless of sex, race or colour, is applied consistently, and both Islam, which is the principal source of legislation in the State of Qatar, and the country's Constitution prohibit activities or any other forms of totalitarian ideologies and practices based on racial intolerance and hatred, racial terrorism, racial discrimination or apartheid. The Penal Code of Qatar contains a number of provisions under which such acts are punishable.

50. The State of Qatar reaffirms that, in its domestic and foreign policy, it is committed to the total prevention, prohibition and punishment of acts of racial discrimination and apartheid. No acts of racial discrimination, apartheid, Fascism, neo-Fascism, Nazism or other forms of totalitarian ideologies can be found in its territory, in which no individual, organization, establishemnt, agency or public or private body engages in any act of racial discrimination, apartheid, Fascism, neo-Fascism or Nazism in any of the forms defined in international or other conventions.

51. The State of Qatar acceded to the International Convention on the Elimination of All Forms of Racial Discrimination on 22 July 1976 and to the International Convention on the Suppression and Punishment of the Crime of Apartheid on 19 March 1975. It has also acceded to the International Convention against Apartheid in Sports.

52. The State of Qatar emphasizes its support for General Assembly resolution 43/150, which condemns all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, that are based on apartheid, racial discrimination and rascism or the systematic denial of human rights and fundamental freedoms, and calls for the enforcement of the provisions of that resolution, as well as all the previous resolutions in this connection, particularly those advocating the adoption of measures to prevent or deter the actions of groups or organizations pursuing those ideologies.

53. The State of Qatar stresses that the policy pursued by South Africa is a form of Fascism, neo-Fascism and Nazism and a manifestation of a totalitarian ideology. That policy thereby constitutes a crime against humanity and a flagrant violation of the provisions of the Charter of the United Nations and the principles of international public law and poses a threat to international peace and security.

54. The State of Qatar believes that Nazism, Fascism, neo-Fascism and all other forms of totalitarian ideologies and practices based on racial discrimination are incompatible with the right of peoples to self-determination. In fact, the right to self-determination is a basic human right and the realization of this right is a

prerequisite for the effective enjoyment of all the rights of peoples, as well as individual rights. This fact, derived from the Charter of the United Nations and set forth in the international covenants on human rights, has been reaffirmed repeatedly in United Nations resolutions.

55. The State of Qatar proposes that a declaration on this question should be adopted within the framework of the United Nations. It also proposes that the United Nations and other international organizations should make large-scale use of the mass information media to alert world public opinion to the dangers inherent in a resurgence of Nazism and Fascism and to instil a spirit of peace and friendship among nations in the younger generation.

I. Republic of Zambia

56. The Government states that Zambia supported the United Nations resolution 43/150 of 8 December 1988 because, being situated in southern Africa, Zambia has witnessed with grave dismay the scourge of totalitarianism that has assailed some of its neighbours. This has led both within and beyond their borders to the incalculable loss of the lives of innocent men, women and children and the slowing down of economic growth, thus perpetuating hunger, disease, ignorance and crime.

57. It is heartening to note, however, that the tentacles of apartheid are gradually weakening, as in the case of Namibia. Since the implementation of Security Council resolution 435 (1978) on 1 April 1989, for the first time in decades, a state of relative calm reigns over Namibia and scores of Namibian refugees have returned home in order to participate in the elections and hence to live in a free and democratic society.

58. The people can only hope and pray that the justice that Namibia so rightly deserves will very soon be found in South Africa. The atrocities of the system of apartheid need no mention, as everybody is aware of what a diabolic system it is.

59. Resolution 43/150 upholds the very core of Zambia's ideology of humanism, an ideology which we try to emulate as best we can. Basic human rights are not a privilege but God's given right to every individual. In view of this, each country should give their citizens this right and use such resolutions as 43/150 as guidelines to help achieve this end.

60. Zambia shall continue to speak out strongly against apartheid at forums both nationally and internationally. Neither will it harbour any war criminals or persons who engage in adverse security activities. The people of Zambia need to be educated and constantly reminded of the importance of man's fundamental human rights and this is being taught at schools, through literature and at seminars and conferences concerning human rights.

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GENERAL ASSEMBLY
Forty-fifth session
Item 34 of the preliminary list*
POLICIES OF APARTHEID OF THE
GOVERNMENT OF SOUTH AFRICA

SECURITY COUNCIL
Forty-fifth year

Letter dated 16 March 1990 from the Permanent Representative of Madagascar to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of a message dated 11 February 1990 from His Excellency Mr. Didier Ratsiraka, President of the Democratic Republic of Madagascar, addressed to Mr. Oliver Tambo, President of the African National Congress.

I should be grateful if you would arrange to have this letter and its annex circulated as an official document of the General Assembly, under item 34 of the preliminary list, and of the Security Council.

(Signed) Blaise RABETAFIKA
Ambassador
Permanent Representative

* A/45/50.

ANNEX

Message dated 11 February 1990 from the President of Madagascar addressed to the President of the African National Congress

On this day of victory for the black people of South Africa, I am happy to convey to you the warmest congratulations of the Malagasy people.

The struggle of your people under the leadership of the African National Congress has just passed a milestone on the way towards recognition of their legitimate aspirations to dignity and political existence.

Please convey to our brother, Nelson Mandela, our respect and our admiration for the tenacity and the courage which he has unceasingly demonstrated for several decades.

His release can only foreshadow that of his people through the radical abolition of the apartheid régime.

The African National Congress and all anti-apartheid forces will be able to overcome all the difficulties on the path which has now been opened up towards the advent of a new and genuinely African South Africa.

Didier RATSIRAKA
President of the Democratic Republic of Madagascar

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Items 114 and 119 of the preliminary list*

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

QUESTION OF EAST TIMOR

Note verbale dated 19 March 1990 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

The Permanent Representative of Portugal to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to the note dated 21 February 1990, has the honour to inform him that since the Portuguese Government continued to be prevented "de facto" from exercising its responsibilities for the administration of the territory of East Timor, due to the latter's illegal occupation by a third country, it remains unable to provide any information concerning that territory under Article 73 e of the Charter.

The Permanent Representative of Portugal has the honour to request that this note be circulated as an official document of the General Assembly under items 114 and 119 of the preliminary list.

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* A/45/50.

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Item 34 of the preliminary list*

POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

Letter dated 19 March 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Japan to the United Nations addressed to the Secretary-General

I have the honour to request that the attached statement by a spokesman of the Foreign Ministry of Japan regarding South African President de Klerk's announcement on 16 March be circulated as an official document of the General Assembly under the item entitled "Policies of apartheid of the Government of South Africa".

(Signed) Katsumi SEZAKI
Ambassador Extraordinary
and Plenipotentiary
Deputy Permanent Representative
of Japan
Chargé d'affaires a.i.

* A/45/50.

ANNEX

Statement of 17 March 1990 by a spokesman of the Foreign Ministry on South African President de Klerk's announcement, on 16 March, regarding a preliminary meeting with leaders of the African National Congress

1. We welcome President F. W. de Klerk's announcement that he will hold a preliminary meeting with Mr. Mandela and other ANC leaders on 11 April 1990.

2. We hope that the meeting will lead to the solution of such issues as lifting the state of emergency and releasing all political prisoners, and thus help to surmount obstacles to the commencement of negotiations. We further hope that firm and sustained endeavours will be made towards a peaceful and negotiated solution to the problem of apartheid.

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Items 12, 94, 101 and 108 of the preliminary list*

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Letter dated 20 March 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Hungary to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit to your herewith a copy of the personal message of His Excellency Dr. Gyula Horn, Minister for Foreign Affairs of the Republic of Hungary, on 20 March 1990, concerning the grave atrocities against the Hungarian minorities living in Romania.

I should like to request you to have the present letter and its annex circulated as an official document of the General Assembly under agenda items 12, 94, 101 and 108 of the preliminary list.

(Signed) Iván BUDAI
Deputy Permanent Representative

* A/45/50.

ANNEX

Message of 20 March 1990 of the Minister for Foreign Affairs of the Republic of Hungary

The Government of the Republic of Hungary expresses its grave concern at the mass and flagrant violations of human rights, particularly those concerning the individual and collective rights of Hungarian and other minorities in Romania, in regions inhabited by ethnic Hungarians.

On the basis of the provisions of the Charter of the United Nations, we would like to call the attention of the Secretary-General to the following:

Recently serious atrocities against ethnic Hungarians living in Romania have occurred. Tragic events have taken place in several cities of Transylvania, inter alia, in Satu Mare (Szatmárnémeti) and Tirgu Mures (Marosvásárhely), where legal Romanian organizations have been openly instigating passionate hatred and committing violent actions against Hungarian minorities. These actions have caused serious casualties so far.

Among the flagrant and mass violations of human rights and fundamental freedoms, trampling underfoot the rights to life and personal freedoms of Hungarians living in Transylvania are especially to be condemned.

The Hungarian Government deems it indispensable to draw the attention of the Secretary-General to the dangers of growing Romanian nationalism contradicting the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination. We regard the demand asserted and even violently expressed by Romanian organizations, and other calls for bloody revenge to expel Hungarians from Transylvania, as the most outrageous forms, which ignore all norms of civilized coexistence. The Government of Hungary expects the Romanian authorities unambiguously to denounce those atrocities, to call to account those responsible for them and to take all the necessary measures to avoid such incidents in the future.

It is our conviction that the United Nations cannot remain indifferent to those mass and flagrant violations of human rights and fundamental freedoms.

We call upon the international community and the United Nations - as its most important organization maintaining international peace and security and promoting the observance of human rights - to take effective measures in order to protect the individual and collective rights of the largest minority in Europe.

The Hungarian side does not wish to interfere in the internal affairs of Romania. Nevertheless, we cannot remain silent about the severe violations of human rights and fundamental freedoms, including the grave violations of

/...

minority rights embodied in several international instruments. Before the situation in regions inhabited by Hungarians becomes further aggravated, the international community should render assistance to curb the Romanian nationalist actions violating the provisions of the Charter of the United Nations. The Hungarian Government requests the active contribution of the United Nations organization to this effort.

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Forty-fifth session
Items 23 and 77 of the preliminary list*
QUESTION OF PALESTINE
REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-fifth year

Letter dated 20 March 1990 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General

As Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I wish to draw your attention to the attached extract from Country Reports on Human Rights Practices for 1989 published by the Department of State of the United States of America, which contains information on the situation concerning human rights in the Palestinian and other Arab territories occupied by Israel since 1967. In view of the importance of this information, the Committee, at its 169th meeting on 2 March 1990, decided to request that this extract should be issued as an official document of the General Assembly, under items 23 and 77 of the preliminary list, and of the Security Council. I therefore have the honour to convey to you the Committee's request.

(Signed) Absa Claude DIALLO
Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

* A/45/50.

ANNEX

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1990

Printed for the use of the Committees on Foreign Affairs and Foreign Relations of the House of Representatives and the Senate respectively

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THE OCCUPIED TERRITORIES

This report differs from most other reports contained in this volume in one fundamental respect: whereas other reports describe the relationship between the government and the governed in countries over which the governments in question exercise sovereignty, this report deals with lands under foreign military occupation. The lands now known as the "occupied territories" were occupied by Israel in the 1967 War. Israel has not been recognized to have sovereign rights over any of the occupied territories: the West Bank, the Gaza Strip, the Golan Heights, and East Jerusalem. Regarding East Jerusalem, Israel has asserted sovereignty and annexed it. The West Bank and the Gaza Strip are governed under Jordanian and British law, as modified by military orders. Israeli law and civilian administration have been extended to the Golan Heights.

The United States considers Israel's occupation to be governed by the Hague Regulations of 1907 and the 1949 Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. Israel denies the applicability of the Fourth Geneva Convention to the West Bank and Gaza, but states that it observes the Convention's humanitarian provisions in those areas.

Since 1967, there have been episodic but sometimes intense outbreaks of violence within the occupied territories, reflecting Palestinian opposition to the occupation. In December 1987, there was a dramatic outburst of civilian unrest and violence. This has continued throughout 1989 and has been far more widespread and intensive than at any time heretofore. This has led to a severe crackdown by the Israeli Defense Forces (IDF).

The human rights situation in the occupied territories remains a source of deep concern to the United States. Overall, there were more Palestinian deaths in 1989 than in 1988. A total of 432 Palestinians were killed in intifada-related violence in 1989, of whom 364 were killed by Israeli security forces and settlers and 128 by other Palestinians; 13 Israelis, soldiers and civilians, were killed by Palestinians during 1989.

This unrest and violence, known as the intifada, has as its minimum goal the end of Israeli occupation, a goal strongly supported by Palestinians in the West Bank and Gaza. The leadership of the uprising, known as the United National Leadership of the Uprising (UNLU), attempts to direct and coordinate intifada activities. As it developed, groups of young people which have formed in individual localities but are loosely associated with each other and coordinate their tactics have, throughout the occupied territories, enforced business shut-downs and strikes, and directed attacks at Israeli military patrols and Israeli travelers, particularly settlers, whose cars are routinely pelted with stones. Occasionally firebombs have been thrown. The security forces have responded with tear gas, rubber and plastic bullets, and metal bullets.

Israeli occupation authorities have sought to end the intifada through widescale arrests, detention, raids on homes in which suspects were thought to reside, and more severe forms of punishment, including deportation. The rules of engagement of the Israeli Defense Forces provide for the use of force in case of self-defense in life-threatening situations, in the arrest of a suspect to a crime if the suspect resists, and

dispersing a violent riot which endangers public order or the safety of soldiers. The rules allow the use of live fire only as a last resort and under defined procedures in these circumstances. The guidelines for the use of force stipulate that once force is no longer needed, it should no longer be applied. The Government of Israel makes clear to all forces serving in the occupied territories the need to adhere to the rules of engagement. However, violations of these rules have resulted in death and injuries. Only a relatively small number of such incidents have resulted in prosecution, and the sentences meted out have tended to be light.

An important aspect of the situation in the occupied territories in 1989 has been the significant increase in violence by Palestinians directed at other Palestinians. This has taken a number of forms, including assassinations, other acts of violence, and threats of violence. This took place in an environment influenced by some statements by various Palestinian leaders and the Unified Command promoting violence (e.g., a call by one UNLU leaflet to use knives, hatchets, and Molotov cocktails), tough Israeli security measures, the breakdown in law enforcement against conventional crime, and factional differences among Palestinians. The Unified Command has not disassociated itself from the phenomenon of intra-Palestinian violence but has sought to curb that element not under its control.

The strength of the Islamic fundamentalist Hamas movement has contributed to this intra-Palestinian violence and atmosphere of intimidation. Hamas opposes any reconciliation with Israel, and it would appear that its appeal, albeit still limited to a minority of the Palestinian population, has also shaped intra-Palestinian tensions.

Israel's open, democratic society enables widespread access to data on and investigations of human rights in the territories, notwithstanding IDF restraints applied there. Israel has designated officials in the Ministry of Defense with whom U.S. officials discuss specific allegations of human rights violations.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Political killing is not condoned by Israel. However, in 1989 there were allegations that Palestinian activists were intentionally killed by Israeli security forces or Palestinians working for them. Israel categorically denied these charges.

Israeli settlers killed 11 Palestinians during marches, patrols, retaliatory raids, and other incidents. The IDF condemned such vigilantism and attempted to stop it. Charges were brought against one settler leader in 1989 for the 1988 slaying of a Palestinian, and he has been on trial. Suspects in other killings were released for lack of evidence after they failed to cooperate with police.

Palestinian attacks against Israeli soldiers and civilians in 1989 resulted in 13 deaths and 196 injuries. The authorities

investigated these cases and prosecuted suspects in some of them.

During 1989, 128 Palestinians were killed by other Palestinians. Many were also wounded. There has been intimidation against some of those who are employed by the Civil Administration, and, in some cases, against some of those who have expounded the need for political compromise. Among those killed this year were a number of Arab policemen or local Arab village officials. Israelis state that a number of the victims of intra-Palestinian violence have been killed for seeking to express moderate views. Many of the victims were working with the Israeli security authorities, and Palestinians claim that some of them were armed and provided information leading to arrests of uprising activists. Palestinians state that other victims were habitual criminals or people killed due to private disputes.

Some of these attacks and acts of intimidation were carried out by young Palestinian activists, often masked, who were members of the "strike forces" which enforce directives relating to the conduct of the uprising. However, some attackers were members of self-styled Palestinian gangs which operated autonomously. The emergence of gangs called the Red Eagles and Black Panthers in Nablus in the northern West Bank has been a new development of concern both to Israelis and to most of the Palestinian community; these gangs and other individuals have also engaged in acts of violence as vendettas or as settling scores not connected with the intifada.

(For further discussion of casualties, see Sections 1.c. and 1.g.)

b. Disappearance

Israel does not sponsor or condone disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by Israeli law, and Israeli authorities assert they do not condone its use in the occupied territories. IDF orders forbid the use of force after the detention of a suspect and the cessation of violent resistance. Nevertheless, reports continue of harsh and demeaning treatment of prisoners and detainees, as well as allegations of beatings of suspects and detainees, including beating during house searches, which is contrary to IDF rules. At least 10 deaths can be attributed to beatings. Palestinians and international human rights groups claim that other cruel practices--including enforced standing in one position for prolonged periods, hooding, sleep deprivation, and cold showers--have continued since being confirmed in the 1987 report of the Landau judicial commission referred to in the 1988 Country Reports on Human Rights Practices. Physical and psychological pressures are particularly severe in incommunicado detention during investigation and interrogation.

Most convictions in security cases are based on confessions. An attorney is normally not allowed to see a client until after interrogation is completed and a confession, if obtained, has been made. Individuals may be held up to 14 days after arrest before the International Committee of the Red Cross (ICRC) is permitted access, which is often delayed.

THE OCCUPIED TERRITORIES

According to IDF figures, 9,138 Palestinians were being held in IDF prison facilities as of January 1, 1990. Two military detention centers were added to the nine existing facilities. The Ketziot detention facility was expanded and improved, but serious overcrowding continued. Conditions at military detention facilities varied. Several prison riots and hunger strikes protesting conditions occurred. In March a prisoner in Gaza died while under Shin Bet interrogation. An Israeli investigation concluded that the cause of death was natural (an ulcer), and there is no presumption of mistreatment. The investigation also held that lax supervision may have contributed to the death, and a medical orderly has been disciplined. Another prisoner in Gaza died December 19 under interrogation in Shin Bet custody. An official autopsy concluded that death was caused by internal stomach bleeding brought on by a blow. Israel initiated an investigation into this incident.

d. Arbitrary Arrest, Detention, or Exile

No new deportation orders were issued in 1989, but 26 Palestinians (including 5 journalists and 5 labor leaders) were deported in 1989, many after a lengthy appeals process up to the Israeli High Court of Justice, under deportation orders issued in 1988. Two others avoided formal deportation by signing agreements to remain abroad and avoid political activities for 5 years. The deportation process is characterized by a lack of formal charges and the use of secret evidence not disclosed to the suspect or his attorney. The United States considers deportations to contravene Article 49 of the Fourth Geneva Convention. The Israeli High Court of Justice has not accepted this view.

Palestinians under deportation orders may appeal to the Israeli High Court. The Court has overturned no deportation orders.

Administrative detention for alleged security reasons without formal charges was widespread in 1989. Israel maintains that administrative detention is used only against persons engaged in activities threatening security; however, in a number of cases persons appear to have been detained for nonviolent political activities. While the number of administrative detainees at any one time varies, IDF figures indicate that the number was 1,271 as of January 1, 1990. Most were detained under a 6-month order, although many orders have been renewed for a second or third time. In August the maximum length of detention under orders was extended to 12 months.

District military commanders may order administrative detentions without formal charges. A detainee may appeal the order to a military judge. Only a small percentage of orders is overturned on appeal. Secret evidence, not made available to detainees or their attorneys, is often used to support administrative detention orders. Rulings by military judges can be appealed to the High Court, which may review secret evidence, but there have been no reversals. According to the IDF, approximately 30 percent of detention orders were shortened or canceled on appeal in 1989 after portions of the detention period were served.

The authorities continued to transfer detainees and prisoners convicted of security offenses from the occupied territories to facilities in Israel, particularly the Ketziot detention camp in the Negev Desert and Megiddo Prison near Afula in

northern Israel. Such transfers, in the view of the United States, contravene Article 76 of the Fourth Geneva Convention. However, the Israeli High Court dismissed a 1988 petition brought by Ketziot detainees and held that the Convention's provisions could not be enforced by an Israeli court since they had not been enacted into Israeli law.

Any soldier can arrest without warrant a person who has committed, or is suspected of having committed, a criminal or security offense. Persons arrested for common crimes in the occupied territories are usually provided the opportunity for bail, access to an attorney, and a statement of charges, although these rights are sometimes delayed. Individuals may be held in custody without a warrant for 96 hours, and may be held without formal charges for up to 18 days. The normal pretrial detention period is 60 days. A high court judge may approve unlimited 3-month extensions. Security detainees are usually denied bail and are routinely held without access to counsel for 18 days. Access may be denied indefinitely if officials believe granting it would impede the investigation. Many security suspects are arrested without warrants and may be so held for up to 96 hours. Denial of notification of arrest to immediate family members, attorneys, and consular officials is common and under law can be extended for up to 14 days. Incommunicado detention for a period of 8 days is permitted with a court order. Detainees are often not told the reasons for their detention. In September Israel announced improved family notification procedures. However, the problem of delayed notification continued.

e. Denial of Fair Public Trial

Palestinians accused of nonsecurity offenses are tried publicly in local courts by Palestinian judges, except where jurisdiction has been transferred by military order. Palestinians accused of security offenses, which are broadly defined and, as administered, cover Palestinian nationalist activity of a nonviolent character, are tried in Israeli military courts before panels composed of one or three judges. Charges are brought by military commanders. Suspects are entitled to counsel. In 1989 there were long delays before trial because military courts were overburdened by the large number of uprising-related security cases. An increased number of judges and prosecutors was inadequate to cover the workload.

Most military trials are public, though access is controlled and in some cases limited. Consular officers are allowed to attend military court proceedings involving foreign citizens, but there have been delays in gaining admission. Acquittals are very rare in security cases. Most convictions in military courts are based on confessions. The absence of bail, long pretrial delays, and physical and psychological pressures increase the likelihood of confessions. These are usually recorded in Hebrew, which many defendants are unable to read.

In April a military appeals court staffed by active duty and reserve military officers was established with branches in the West Bank and Gaza. Appeals from decisions by three-judge panels may be brought by the defendant or the prosecution. Cases heard by single-judge panels, which can impose prison sentences of up to 5 years, may be appealed only with the permission of the court. According to Israel's Judge Advocate General, the court heard 25 cases through mid-October in which it accepted 15 defense appeals and 7 prosecution appeals.

Nonjudicial administrative orders of the military government may be appealed to area military commanders and to the High Court. The court almost never reverses Civil Administration or military orders based on security considerations.

Israeli settlers in the occupied territories accused of security and ordinary offenses are tried in the nearest Israeli district court under Israeli law. These courts are presided over by professional judges, and standards of due process and admissibility of evidence are stricter than in military courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Military authorities may enter private homes and institutions without a warrant in pursuit of security objectives. Forced entries, which are a regular part of IDF operations, have resulted in beatings, destruction of property, and arrests. Military orders also authorize the authorities to occupy buildings, or parts of buildings, as military observation points. Security officials frequently questioned Palestinians about their political views, and temporarily detained people. Demolition and sealing are nonjudicial administrative punishments ordered by the area military commander. Demolition and sealing of houses in the occupied territories are carried out pursuant to Article 119 of the Defence (Emergency) Regulations of 1945. Under the regulations, military commanders may order the demolition or sealing of any house from which they suspect a firearm has been discharged or bomb thrown, or any house situated in an area, town, village, quarter, or street the inhabitants of which they are satisfied have committed offenses against the regulations. The Israeli High Court ruled in January that houses of stone-throwers could be demolished. In July the High Court ruled that houses rented by offenders could be demolished and that owners have 48 hours to appeal a demolition order to the area military commander, who can waive this right in cases of "operational military need." Final appeals can be made to the High Court. The High Court has delayed orders but has not overturned any of them. In 1989, 170 Arab houses were demolished or sealed for security reasons (88 demolished, 82 sealed).

Owners are not allowed to rebuild, making the punishment one of indefinite duration. House demolition as punishment is enforced only against Arab residents of the occupied territories. The United States believes demolition and sealing as punishment of families contravenes the Fourth Geneva Convention. Israel, however, holds that the Convention permits demolition under imperative military considerations. The Israeli High Court has ruled that demolition is lawful in certain circumstances.

Mail and telephone conversations are sometimes monitored. Telephone service to specific areas is sometimes interrupted by the authorities.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

While the rules of engagement set forth the limits within which force may be used, there were nonetheless a number of instances in which these limits were exceeded. IDF regulations permit use of live fire only when soldiers' lives are in real and immediate danger, to halt fleeing suspects, or

to disperse a violent riot. Only a specific attacker may be fired on; fire is to be directed at legs only; and fire may be directed at a fleeing suspect only if a serious felony is suspected, and as a last resort. Rules of fire were expanded in 1989 to allow firing at any fleeing masked individual. Soldiers may fire high-velocity ammunition only after exhausting other methods, including tear gas, rubber bullets, and warning shots.

IDF guidelines often were not followed, resulting in avoidable deaths and injuries. Most Palestinians were killed by high-velocity rounds shot by the IDF or border police in the course of incidents involving stones, firebombs, and fleeing suspects. Many deaths and wounds were from bullets in the head or upper body. Misuse of plastic and rubber bullets continued to result in death and serious injury. In January noncommissioned officers were authorized to fire them. Tear gas was occasionally used in houses and enclosed spaces in violation of instructions for its use, which can be potentially lethal.

Estimates vary of the number of casualties from violence in the occupied territories. Figures compiled from press, Palestinian, hospital, international organization, and Israeli government sources indicate that in the occupied territories a total of 432 Palestinians were killed in 1989 (including the casualties already described in Section 1.a.: 11 Palestinians killed by settlers, and 128 Palestinians killed by other Palestinians). Estimates of the number of Palestinians wounded varies from over 5,000 to up to 20,000. As also reported in Section 1.a., 13 Israelis were killed by Palestinians and 196 injured in the occupied territories during 1989.

According to the IDF, 435 cases of IDF conduct were investigated in 1989, of which 47 resulted in court-martial; some were dropped for lack of evidence, and others were sent to unit commanders for disciplinary action below the level of court martial. However, regulations often were not vigorously enforced, many cases of unjust killing did not result in disciplinary action, and punishments often were lenient. In May four members of an elite IDF unit were cleared of manslaughter charges and convicted on reduced charges of "causing grievous bodily harm" in the 1988 beating death of a Gazan. The court found their officers had issued "manifestly illegal orders" in authorizing the beatings, but there was no prosecution of the officers. The 9-month sentences of the soldiers were later commuted to 6 months. The High Court of Justice on December 24 ordered the court-martial of an IDF colonel, who had resigned after the IDF had severely reprimanded him for ordering the breaking of bones of detainees. The IDF Judge Advocate General's office announced December 25 that another IDF colonel would be court-martialed for having shot to death a Palestinian resident of the Bureij refugee camp in Gaza. The official investigation of an incident in Nahalin in April 1989, which had resulted in five Palestinian deaths, acknowledged serious errors. Several Israeli security personnel involved in Nahalin were transferred and disciplined.

There were several controversial incidents in 1989 involving the entry by Israeli security forces into Palestinian hospitals and clinics. Israel denies that it interferes with medical services and supplies as a matter of policy but acknowledges that at times its security forces enter hospitals

to pursue and arrest fleeing rioters or those suspected of security offenses. It denies allegations of mistreating patients or staff and asserts that Palestinians use hospitals as refuges for uninjured rioters. Palestinians deny this and charge that security forces in some cases used tear gas and beat patients and staff, in contravention of international law. Palestinians allege that security forces at IDF roadblocks deliberately held up ambulances transporting wounded. Israel charges that ambulances are used to transport uninjured security suspects.

Israel, in response to a tax boycott, imposed a siege on the West Bank town of Beit Sahour. All access to the town was blocked for over 40 days, during which Israeli authorities seized merchandise and vehicles to pay outstanding tax bills. Israel claims these actions were justified by the tax boycott. Palestinians claim that certain Israeli tax practices are inconsistent with international law, including the imposition of a value added tax (VAT) and other taxes which did not exist before 1967, the summary seizure of private property, and Israel's failure to address whether the tax revenues were being utilized for the benefit of the population of the occupied territories.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

East Jerusalem is an active center of Arabic publication, including newspapers. There is no press elsewhere in the occupied territories. The Israeli authorities imposed tight restrictions on the Arabic press, citing broadly defined security reasons. Publications in East Jerusalem must submit to the military for prior censorship all copy relating to the security, public order, and safety of Israel and the occupied territories. Some reports and editorials related to the uprising and Palestinian political goals were permitted, but articles and editorials were routinely expurgated. Arabic translations of uprising-related news stories which had previously appeared in the Hebrew language press were routinely censored from the Arabic press.

The display of Palestinian political symbols, such as flags, national colors, and graffiti, is punishable by fines, detention, or imprisonment. According to the IDF, very few persons were sentenced in 1989 solely for displaying nationalist symbols, although this charge may be levied along with other more serious charges for violent activity. Public expression of support for the Palestine Liberation Organization (PLO), its component factions, Muslim extremist groups (such as Hamas), and other banned organizations is prohibited.

No broadcast media originate from the occupied territories. The authorities have jammed inflammatory radio broadcasts from neighboring countries. In August the use of fax machines in the Gaza Strip was banned. A military order closing a prominent Palestinian press service was renewed, and two other Palestinian press services were closed.

For alleged security offenses, Israeli security authorities administratively detained at least 20 journalists, interrogated numerous others, and raided newspaper offices.

A permit is required for publications imported into the occupied territories. Imported materials may be censored or banned for anti-Semitic or anti-Israeli content or support of Palestinian nationalism. In addition to temporary restrictions on individual publications, there were temporary bans on the distribution of all East Jerusalem Arab newspapers in the West Bank and Gaza on four occasions. Possession of banned materials, such as uprising leaflets, is punishable by fine and imprisonment. The IDF periodically declared all or parts of the West Bank and Gaza closed military areas, one primary effect of which was to exclude journalists except under military escort. Reports by foreign journalists are subject to censorship under a system of self-regulation.

Israel kept all Palestinian universities in the West Bank and Gaza closed throughout 1989, allegedly because they were contributing to violence. The vocational, secondary, and elementary schools in the West Bank, closed in January, reopened in July and August but were closed again in mid-November. Schools in Gaza and East Jerusalem were open for most of the school year. Alternate, off-campus classrooms organized by parents and teachers were banned on security grounds, although some continued to operate.

b. Freedom of Peaceful Assembly and Association.

Military orders ban public gatherings of 10 or more people without a permit. (No permits were requested in 1989.) Political parties and other groups, including some labor unions, viewed as political are banned. Private organizations must be registered, though some operate without licenses.

Palestinian charitable, community, professional, and self-help organizations were permitted to operate unless their activities were viewed as overtly political or supporting the uprising. Persons involved in such activities were arrested, interrogated, administratively detained, or denied permission to travel.

c. Freedom of Religion

Freedom of religion is respected in the occupied territories. No group or sect is banned on religious grounds. Muslim and Christian holy days are observed. Both faiths operate schools and institutions (although religious schools were subject to the same extended closure as other West Bank schools). Religious publications circulate subject to the laws for publications detailed in Section 2.a.

In the wake of a demonstration in the al-Aqsa mosque area in Jerusalem, which resulted in some worshipers at the Western Wall below being pelted with stones, the Israeli authorities restricted access to the Al-Aqsa mosque during the Muslim holy month of Ramadan and the Id al-Adha holiday. Security forces raided mosques and confiscated mosque loudspeakers, claiming security reasons. There was no indication that such raids or arrests of Muslim clergy were directed at religious freedom but rather at political or security-related activities.

d. Freedom of Movement Within the Occupied Territories, Foreign Travel, Emigration, and Repatriation

Freedom of movement was restricted periodically in the West Bank and Gaza by IDF curfews, which were often prolonged to discourage protest activities. Hundreds of curfews, some

lasting several weeks, were imposed. During curfews, people were usually allowed to leave their houses to obtain food and medical care for short, defined periods. These curfews caused severe hardship.

All residents of the West Bank and/or Gaza were sometimes prevented from traveling to East Jerusalem or Israel. Peace advocacy groups from Israel were sometimes forbidden to visit Palestinian villages, for alleged security reasons.

Thousands of Palestinians in the occupied territories travel abroad each year. Israel imposed travel restraints on some political activists and on family members of some deportees. There were cases in which young men were denied permission to travel unless they agreed to remain abroad for an extended time. Exit travel permits were delayed for some Palestinians returning abroad for work or study after visiting relatives in the occupied territories. According to figures from the Islamic Waqf, which supervises mosques and Islamic properties in the occupied territories, over 90 percent of the Muslims who applied were permitted to make the hajj. Palestinians claim that those denied permission were denied because of nationalist activity.

There are no obstacles to emigration. Israel sometimes refuses to renew laissez-passers of Palestinians from the occupied territories who live or work abroad on the grounds that they have abandoned their residence, even though they may not have acquired foreign citizenship. Palestinians who obtain foreign citizenship are ordinarily not allowed to resume residence in the occupied territories. They are permitted to return as tourists only and sometimes are denied entry entirely. Enforcement of the 3-month limit for tourist visas for stays by Palestinians is uneven.

Entry or residency permission is frequently denied spouses, relatives, and children following the emigration of the head of the household. According to press reports, at least 100 spouses were deported for lack of residence permits in 1989. Persons who marry Palestinians in the occupied territories generally are not allowed to take up residence there. Israel has also denied the return of former West Bank residents who were not present in the territories, for whatever reason, at the time of the 1967 census.

Requests for family reunification far exceed the numbers of those granted. Palestinians say thousands of family reunification requests are pending. According to the Government of Israel, in 1988 and 1989 a total of 3,266 family reunification applications were filed for the West Bank, of which 695 were approved. For Gaza, 278 applications were filed in 1988 and, through July 1989, 219 were filed. Figures on the number approved for Gaza are not available. Israeli officials acknowledge that family reunification is limited for demographic and political reasons and assert that the laws of occupation do not require Israel to permit immigration into the territories. Restrictions on residence, tourist visas, reentry, and family reunification do not apply to Jews resident in the occupied territories, whether or not they are Israeli citizens.

THE OCCUPIED TERRITORIES

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.

The West Bank and Gaza are ruled under occupation by Israel's Ministry of Defense through a military governor and civil administration. Palestinians have no means to participate in significant policy decisions concerning land and resource use and planning, taxation, trade, and industry. Municipal elections were last held in 1976 in the West Bank, and most mayors elected then were later dismissed on security grounds. Palestinians appointed by Israel have filled most vacancies. Some appointed mayors have resigned or stopped working because of the uprising and, in some cases, threats from other Palestinians. One Israeli-appointed municipal secretary was killed by other Palestinians.

East Jerusalem is governed as part of Israel. Arab residents of East Jerusalem are permitted to vote in municipal elections but have largely boycotted them. In the 1989 Jerusalem elections, less than 5 percent of Jerusalem's Arab population voted.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

Israel normally permits international human rights groups to visit the occupied territories. Israel cooperates with a number of such organizations, and officials are generally available for meetings on human rights issues. However, some of these organizations often complain that Israel's responses are inadequate, not all inquiries receive answers, and some groups' requests for meetings with officials or access to detention facilities are denied.

Many local groups--Israeli, Palestinian, and mixed--are concerned with human rights. Their publications and statements are generally allowed to circulate in the occupied territories. They are allowed to hold press conferences. Individuals working for a prominent Palestinian legal rights organization were detained, beaten, prevented from traveling freely, and harassed at military checkpoints.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

Israeli settlers in the occupied territories are subject to Israeli law, while Palestinians live under military occupation law. Under the dual system of governance applied to Palestinians--both Muslim and Christian--and Israelis, Palestinians are treated less favorably than Israeli settlers on a broad range of issues, including the right to due process, right of residency, freedom of movement, sale of crops and goods, land and water use, and access to health and social services. Israeli settlers involved in security violations have been treated far more leniently than Palestinians guilty of similar offenses. Offenses against Israelis are investigated and prosecuted more vigorously than offenses against Palestinians. Israelis have residency rights in the occupied territories under Israel's Law of Return, regardless whether they have foreign nationality.

Israel continued to place land under its control for military purposes, roads, settlements, and other purposes which restrict use by Palestinians and discriminate in favor of

Israeli settlers against Palestinians. Palestinians do not participate in the Higher Planning Council, which plans land use in the occupied territories and exercises planning powers transferred from local, municipal, and village councils in 1971. Issuance of permits to Palestinians for house construction is tightly restricted.

The Israeli Civil Administration provides basic services. In 1989 such services were sharply reduced due to the economic disruption caused by the uprising and a Palestinian tax boycott. There was no public accounting of revenue and expenditure.

Palestinians and persons of Arab descent entering the West Bank via the Jordan River bridges, regardless of citizenship, are subject to extensive searches, and many complain of harsh or humiliating treatment. Israel limits the funds visitors or residents may bring into the occupied territories for Palestinian use to about $300 per person per month unless Israeli authorities grant permission in advance. There are no limits on funds for Israeli settlers.

There is no legal discrimination against women. Violence against women is not legally condoned. The participation rate of women in the labor force is low, and exists primarily in traditional professions and occupations, although there are exceptions. Women's societies flourish and play an important social role.

Section 6 Worker Rights

The applicable sections for West Bank and Gaza Palestinians working in Jerusalem and Israel are contained in the country report for Israel. Palestinian residents of East Jerusalem have the same rights and are governed by the same law as workers in Israel.

a. The Right of Association

The labor law in force in the West Bank is Jordanian Law No. 21 of 1960, as amended by military orders. It permits workers to join unions without prior government authorization. It also permits the formation of unions by any group of 20 or more workers from the same trade or workplace, with prior government authorization. The International Labor Organization (ILO) Director General's report has noted that the Israeli authorities have approved no applications since 1979. No petitions were submitted in 1989. Out of approximately 90 unions functioning in the West Bank, 31 are licensed.

Israeli authorities, citing security concerns, actively discourage union activities in the West Bank. The authorities state that the West Bank umbrella federations and many individual unions are fronts for illegal political organizations rather than trade unions. Israel claims that no legitimate union activities are disrupted and that its actions are intended to prevent illicit political activity.

More than 100,000 West Bank Palestinians, representing a full range of blue-collar and white-collar professions, were members of approximately 90 trade unions in 1989. Unions belong to one of three organizations, all calling themselves the General Federation of Trade Unions in the West Bank (GFTU). The largest GFTU claims membership in the

International Confederation of Arab Trade Unions (ICATU), although the Tunis-based Palestinian Trade Union Federation (PTUF) is ICATU's affiliate of record. Two GFTU's have applied for membership in the International Confederation of Free Trade Unions (ICFTU). There is no connection between any of the West Bank unions and the Government of Israel or the Israeli Histadrut Labor Federation.

Military Order (M.O.) 825 of 1980 requires that Palestinian unions present lists of candidates for union office to the Civil Administration (CIVAD) for approval 30 days before elections. CIVAD has said that it will enforce M.O. 825 by disallowing the election of candidates not approved in advance. The order authorizes the CIVAD to remove from the lists any candidates who have been convicted of a felony or misdemeanor. Because Palestinian trade unionists fear that the CIVAD will use the order to exclude those candidates who have served in administrative detention, they refuse to adhere to the order.

Like all organizations and individuals in the occupied territories, Palestinian labor organizations are subject to disciplinary measures for engaging in political activities. The premises of the GFTU in Nablus remained closed on the grounds they had been used for political rather than union activities. Union-related meetings of 10 or more persons must have the prior approval of the CIVAD.

There has been no dissolution of unions by administrative or legislative action. Under prevailing labor law, unions have the right to strike only after submitting a complaint to the CIVAD for mandatory arbitration. No strikes have been authorized under this procedure. However, authorities have not interfered with unauthorized strikes called over strictly labor issues. More than 20 such strikes took place in the West Bank in 1989.

Union leaders have been among those detained for alleged security offenses. GFTU leaders have been denied permission to travel to ILO conferences, but they and their representatives have been permitted to travel abroad at the invitation of labor organizations in other countries. Delegations from the ICFTU and foreign trade unions, in addition to the annual ILO mission, visited the West Bank in 1989 and met with the GFTU leaders.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected. The CIVAD does not record collective agreements because some unions and/or their leaders are not legally recognized. However, most union-employer agreements are honored without interference from the authorities. The only legal forum for labor grievances in the West Bank is the CIVAD's military court system. Palestinians view the system as unsympathetic and prefer to use the traditional technique of mediation by community notables. There are no export processing zones in the occupied territories.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in the occupied territories. Under existing law applicable to the occupied territories, there is no statutory ban on forced labor.

Forced labor is, however, banned (except under certain exceptional circumstances) by the Fourth Geneva Convention.

d. Minimum Age for Employment of Children

A 1978 military order raised the minimum working age in the West Bank and Gaza to 14, and there are no known instances of child labor in industry or construction.

e. Acceptable Conditions of Work

In the West Bank, Jordanian law allows a maximum workweek of 48 hours, except for certain hotel, food service, and cinema employees, whose workweek is 54 hours. In Gaza, Israeli authorities amended this law to provide for a 45-hour workweek for day laborers and a 40-hour week for salaried employees. There is no effective enforcement of maximum workweek laws. There is no minimum wage provision in the West Bank or Gaza. The Ministry of Labor's inspection service is charged with enforcing health and safety standards in the West Bank and Gaza, but no inspections take place.